has recommended insertion of new section 41A in the Code. Extracts of the recommendations of the Law Commission are attached as Statement (*See* below).

(c) As informed by the Ministry of Home Affairs, the Report of the Law Commission is being processed in consultation with State Governments and UT Administrations as the subjects of Criminal Law and Criminal Procedure are in the Concurrent List of the Seventh Schedule to the Constitution of India. It is, however, not feasible to fix any time-frame for this.

Statement

Extracts of the recommendations of the Law Commission

11. In view of the guidelines enunciated by the Supreme Court in *Joginder Kumar's* case and also the consequent recommendations of the Law Commission in its 152nd Report the following new sub-clause to section 41 be inserted in the Code.

"41 (3). A police officer arresting a person under clause (a) of sub-section (1) of this section must be reasonably satisfied that arrest is necessary and must record such satisfaction in respect of matters covered every clause of sub-section (1)."

Further a new section 41A be also inserted in the Code on the following lines:

"41A(1). The police officer may, if satisfied that immediate arrest of the person concerned is not necessary, issue to him a notice requiring him to appear before the police officer at specified time and place for further investigation and it shall be the duty of that person to comply with the terms of the notice.

(2) If such person fails to comply with the terms of the notice, it shall be lawful for the police officer to arrest him for the offence mentioned therein." (Ch. IV para 11)

Appointment of Judges

4892. SHRIMATI AMBIKA SONI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Supreme Court has asked States to undertake large-scale appointment of Judges before March 31, 2003;

(b) if so, whether serious concerns have been expressed by the Supreme Court in which it has been pointed out that nearly two crore cases are pending in the country's Subordinate Courts on account of shortage of judges;

(c) whether both Central Government and States have been asked to implement this directive and appoint more judges both in Central Government and States to cope up this rush; and

(d) if so, the steps being considered by Government in this regard?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Yes, Madam. The Supreme Court, *vide* its judgement dated 21.3.2002, in All India Judges' Association and Others *Vs.* Union of India & Others, has directed that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The Hon'ble Court has also directed that an increase in the judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years.

(b) The Supreme Court have expressed concern over the pendency of cases in Subordinate Courts on account of inadequate number of Judges.

(c) Yes, Madam.

(d) The Supreme Court's judgment of 21st March, 2002, *inter-alia*, contains time limits for compliance of directions by the Central Government for the Union Territories and the respective State Government/High Courts for the States. The Apex Court has further directed that the States as well as the Union of India shall submit their compliance report by the 30th September, 2002. Central Government have addressed the State Governments for taking necessary steps towards the compliance of the directives. As regards directives to be complied by the Central Government, necessary action has been initiated.

Financial assistance for computerisation of lower courts

4893. SHRIMATI S. G. INDIRA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether any scheme has been formulated to provide financial assistance to State Governments for computerisation of lower courts;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?